

### **IN THE DRAWINGS**

The Examiner's permission is requested to make the following changes to FIG. 2:

In FIG. 2, change "S1" to -SERVABLE S1--.

In FIG. 2, change "S2" to -SERVABLE S2--.

In FIG. 2, change "S3" to -SERVABLE S3--.

In FIG. 2, change "F1" to -FRAGMENT F1--.

In FIG. 2, change "F2" to -FRAGMENT F2--.

In FIG. 2, change "F3" to -FRAGMENT F3--.

No new matter has been added. Support for this change is found on page 10 of the specification of the present invention as originally filed.

The Examiner's permission is requested to make the following changes to FIG. 4:

In FIG. 4, change "P1" to -WEB PAGE P1--.

In FIG. 4, change "P2" to -WEB PAGE P2--.

In FIG. 4, change "P4" to -WEB PAGE P4--.

In FIG. 4, change "P0" to -FRAGEMENT P0 --.

In FIG. 4, change "P3" to -FRAGEMENT P3 --.

In FIG. 4, change "P5" to -FRAGEMENT P5 --.

No new matter has been added. Support for this change is found on page 11 of the specification of the present invention as originally filed. As required under 37 CFR 1.84 an "Annotated Sheet Showing Changes" and a "Replacement Sheet" for FIGs. 2 and 4 are attached hereto.

## **REMARKS**

Applicants have studied the Office Action dated July 29, 2004 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-39 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- objected to FIGs. 2 and 4 for lack of sufficient detail and suggested textual detail be added;
- objected to claims 1, 2, 18, 23, and 24 because of informalities;
- rejected claims 1-9, 11-31, and 33-39 under 35 U.S.C. §102(e) as being anticipated by Carroll, Jr. (U.S. Patent Application Number 2002/0085020); and
- rejected claims 10 and 32 under 35 U.S.C. §103(a) as being unpatentable over Carroll, Jr. (U.S. Patent Publication Number 2002/0085020) in view of Stapel et al. (U.S. Patent Publication Number 2002/0087571).

### **Drawings 2 and 4**

As noted above, the Examiner objected to FIGs. 2 and 4 for lack of sufficient detail and suggested textual detail be added. Per the Examiner's suggestion, details were carefully added from the specification. No new matter has been added. The Applicants submit that the amended figures along with the corresponding specification enables one of ordinary skill in the art to quickly comprehend the inventive features of the present invention. Accordingly, the Applicants respectfully submit that the Examiner's objection to the drawings have been overcome and should be withdrawn.

### **Informalities in Claims**

As noted above, the Examiner objected to claims 1, 2, 18, 23, and 24 because of informalities. As suggested by the Examiner, claims 1, 2, 18, 23 and 24 have been carefully amended to correct these informalities. Accordingly, the Applicants respectfully submit that the Examiner's objection to the claims 1, 2, 18, 23, and 24 have been

overcome and should be withdrawn.

#### 1.131 Affidavit

As noted above, the Examiner rejected claims 1-9, 11-31, and 33-39 under 35 U.S.C. §102(e) as being anticipated by Carroll, Jr. (U.S. Patent Application Number 2002/0085020) and rejected claims 10 and 32 under 35 U.S.C. §103(a) as being unpatentable over Carroll, Jr. (U.S. Patent Publication Number 2002/0085020) in view of Stapel et al. (U.S. Patent Publication Number 2002/0087571). The Applicants have submitted an affidavit under 37 CFR 1.131 herewith to overcome the Carroll reference. Accordingly, the Applicants submit that Carroll is now removed as a reference under 102 and 103.

#### Rejection under 35 U.S.C. §102(e) as anticipated by Carroll

As noted above, the Examiner rejected claims 1-9, 11-31, and 33-39 under 35 U.S.C. §102(e) as being anticipated by Carroll, Jr. (U.S. Patent Publication Number 2002/0085020). As noted above, the Applicants have submitted herewith a properly executed 1.131 Affidavit with relevant evidence herewith to remove the Carroll reference. Accordingly, the Applicants respectfully submit that the present invention distinguishes over Carroll for at least this reason and that the Examiner's rejection should be respectfully withdrawn.

Further, independent claims 1, 18, 23 and 39, have been amended to distinguish over Carroll's teaching of creating a user interface where the definition of the user interface is expressed as an XML document. Stated differently, Carroll teaches creating a UI using XML. In contrast, the present invention is directed to using a user interface which enables a user to enter selections including text for creating a document type definition which defines as an end product, a document which abides by the document type definition, such as an XML document. Again stated differently, the present invention uses a UI to create an XML document. This clarification is made in the preamble of independent claims 1, 18, 23, and 39 along with the final step of aggregating as follows:

- claim 1

A method on an information processing unit performing steps for assembling, with a user interface (UI), a document that conforms to a particular document type definition, the method comprising: [...]

aggregating the content objects associated with the interface controls to assemble a document that conforms to the document type definition type selected.

- claim 18

A method comprising steps on an information processing system to build, with a user interface (UI), a document based on a document type definition without presenting the specific syntax of the document type definition to a user, the method comprising: [...]

assembling a document that conforms to the document type definition elements and any content from any preexisting document into a user interface (UI); and

displaying the document assembled and any content in the UI.

- claim 23

A computer readable medium containing programming instructions for assembling, with a user interface (UI), a document that conforms to a particular document type definition, the programming instruction comprising:

aggregating the content objects associated with the interface controls to assemble a document that conforms to the document type definition type selected.

- claim 39

A system for assembling, with a user interface (UI), a document that conforms to a particular document type definition, the system comprising:

an assembler for aggregating the content objects associated with the interface controls to assemble a document that conforms to the document type definition type selected.

The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected

claims as being anticipated by Carroll.<sup>1</sup> The system in Carroll is not directed to a system to a user interface to create a document type definition e.g. XML. Rather as the Examiner correctly states on page 3 of the Office Action, Carroll is directed to a system for creating a user interface using XML. The system of Carroll does not create an XML document using a user interface, i.e. as recited in independent claims 1, 23, and 39 “aggregating the content objects associated with the interface controls to assemble a document that conforms to the document type definition type selected” and independent claim 18 of “assembling a document that conforms to the document type definition elements and any content from any preexisting document into a user interface (UI);” Accordingly, the present invention distinguishes over Carroll for at least this reason as well. The Applicants respectfully submit that the Examiner’s rejection under 35 U.S.C. § 102(e) has been overcome.

For the foregoing reasons, independent claims 1, 18, 23, and 39 distinguish over Carroll. Claims 2-9, 11-17, 19-22, and 24-38 depend from independent claims 1, 18, 23, contain all the limitations of the independent claims, claims 2-9, 11-17, 19-22, and 24-38 distinguish over Carroll, as well, and the Examiner’s rejection should be withdrawn.

#### Rejection under 35 U.S.C. §103(a) over Carroll and Stapel

As noted above, the Examiner rejected claims 10 and 32 under 35 U.S.C. §103(a) as being unpatentable over Carroll, Jr. (U.S. Patent Publication Number 2002/0085020) in view of Stapel et al. (U.S. Patent Publication Number 2002/0087571). As noted above the Applicants have submitted herewith a properly executed 1.131 Affidavit with relevant evidence herewith to remove the Carroll reference. Accordingly, the Applicants respectfully submit that the present invention distinguishes over Carroll taken alone and/or in view of Stapel for at least this reason and that the Examiner’s rejection should

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<sup>1</sup> See MPEP §2131 (Emphasis Added) “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in

be respectfully withdrawn.

The Examiner correctly notes on page 7 of the Office Action, that Carroll fails to disclose a hierarchical contact based on Xpath and goes on to combine Carroll with Stapel.<sup>2</sup> As recited in independent claims 1 and 23, however, Stapel is also silent on “aggregating the content objects associated with the interface controls to assemble a document that conforms to the document type definition type selected.” Accordingly, independent claims 1 and 23 distinguish over Carroll taken alone and/or in view of Stapel for at least this reason as well.

Further, as noted above in the section entitled “Rejection under 35 U.S.C. §102(e) as anticipated by Carroll”, independent claims 1 and 32 have been amended to distinguish over Carroll’s teaching of using XML to create a user interface taken alone and/or in view of Stapel. In contrast, the present invention is directed to using a user interface to create a document type definition e.g. XML.

Still further, Applicants submit that the combination of Carroll taken alone and/or in view of Stapel *teaches away* from “aggregating the content objects associated with the interface controls to assemble a document that conforms to the document type definition type selected.” Previously discussed, as the Examiner stated, the system of Carroll does not create an XML document using a user interface. In contrast, Carroll specifically *teaches away* the opposite of a system for creating a user interface using XML. Where the prior art points away from the combination, modification or substitution of which is the premises of the PTO’s alleged *prima facie* case of obviousness, there likewise is a built-in traversal of the rejection. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).<sup>3</sup> Here, the prior art Carroll is pointing away from the

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as complete detail as is contained in the ... claim.”

<sup>2</sup> Applicants make no statement whether such combination is even proper.

<sup>3</sup> The Federal Circuit held a reference did not render the claimed combination *prima facie* obvious because *inter alia*, the Examiner ignored material, claimed temperature limitations which were absent from the reference. See MPEP §2143.01 *In re Fine*, the claims were directed to a system for detecting and measuring minute quantities on nitrogen compounds comprising a gas chromatograph, a converter which converts

creating an XML document using a user interface.

For the foregoing reasons, independent claims 1 and 23 distinguish over Carroll taken alone and/or in view of Stapel. Claims 10 and 32 depend from independent claims 1, and 23, respectively. Since dependent claims contain all the limitations of the independent claims, claims 10 and 32 distinguish over Carroll taken alone and/or in view of Stapel, as well, and the Examiner's rejection should be withdrawn.

### **CONCLUSION**

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith in the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the

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nitrogen compounds into nitric oxide by combustion, and a nitric oxide detector. The primary reference disclosed a system for monitoring sulfur compounds comprising a chromatograph, combustion means, and a detector, and the secondary reference taught nitric oxide detectors. The examiner and Board asserted that it would have been within the skill of the art to substitute one type of detector for another in the system of the primary reference, however the court found there was no support or explanation of this conclusion and reversed.

Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: October 29, 2004

By: 

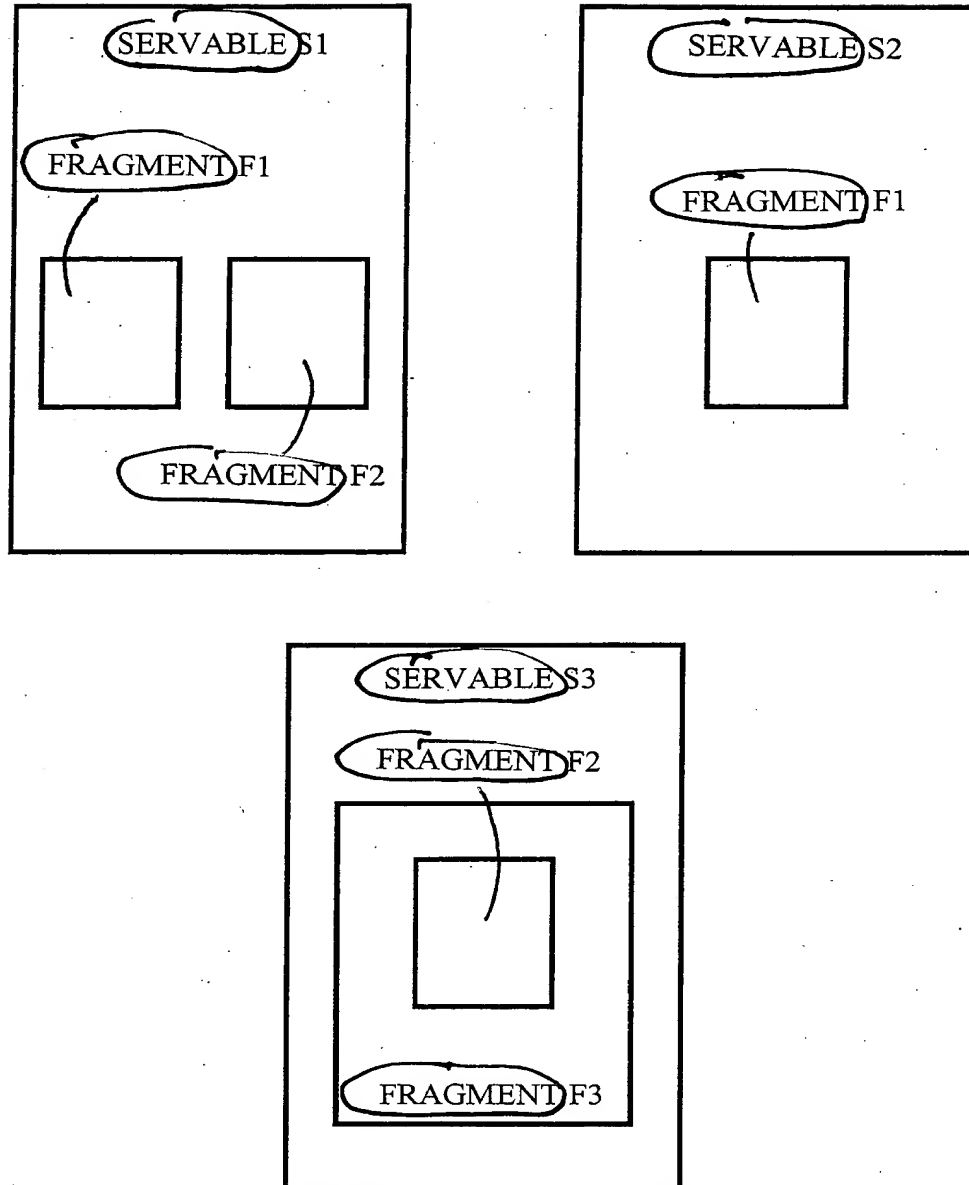
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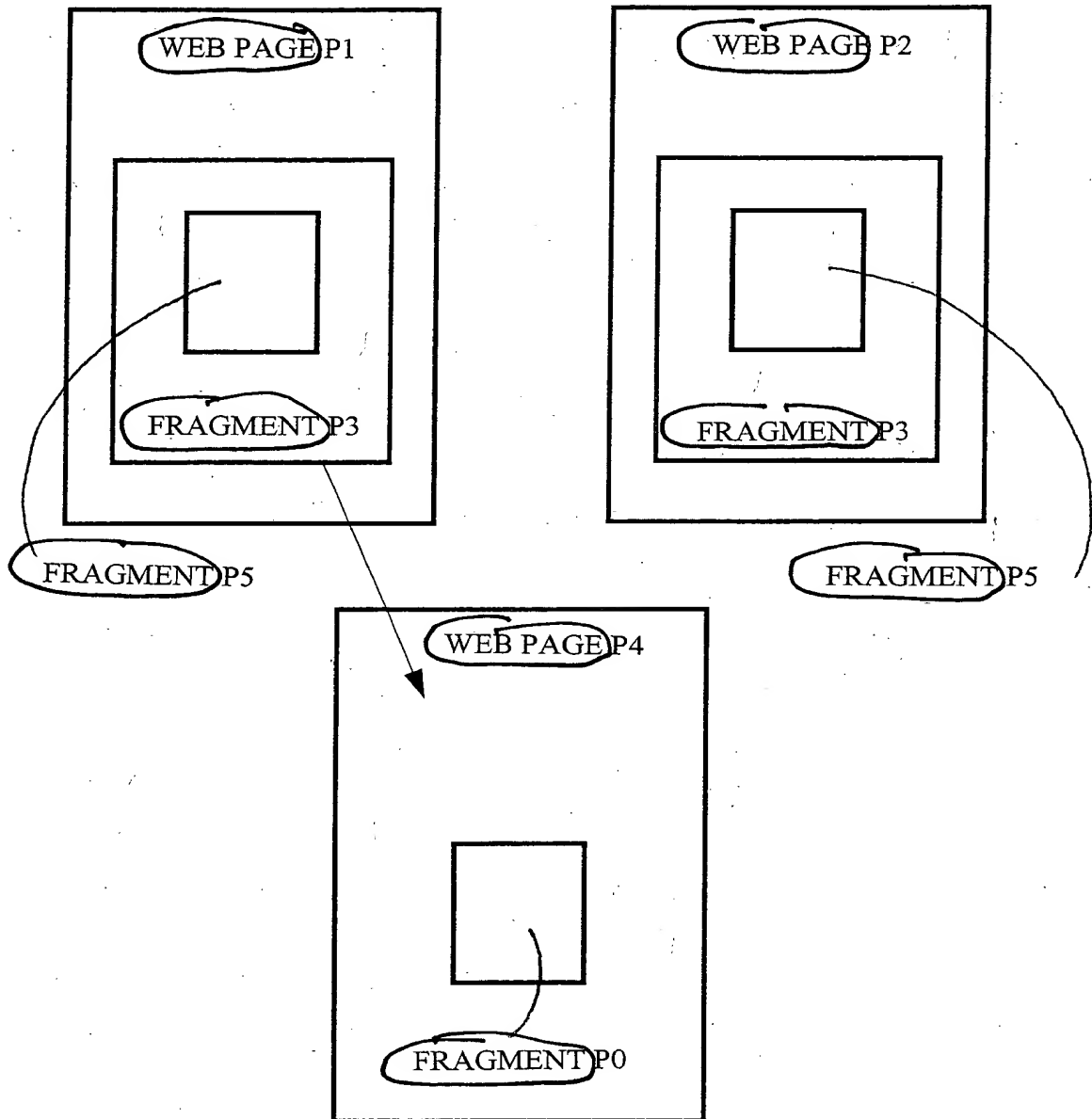


**FIG. 2**





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**FIG. 4**